

# HOUSE BILL No. 1280

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 13-26-11-2; IC 13-26-11-2.1.

**Synopsis:** Campgrounds in regional sewage districts. For a campground that: (1) is served by a regional sewage district; and (2) elects to be billed based on the actual amount of sewage discharged by the campground during a calendar year; provides that the campground's highest monthly meter reading during the year shall be used to determine the resident equivalent units for monthly billing purposes. (Current law bases the resident equivalent units on the campground's highest weekly meter reading during the year.) Allows a campground owner or operator who disputes any of the following to request a review of the matter by the utility regulatory commission (IURC): (1) The meter reading used to determine resident equivalent units. (2) The number of resident equivalent units determined. (3) The basic monthly charge for service. (4) Additional charges imposed on the campground. Requires the IURC to investigate the dispute and issue a final decision on the matter.

**Effective:** January 1, 2005 (retroactive).

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**Volkins**

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January 11, 2005, read first time and referred to Committee on Environmental Affairs.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1280

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 13-26-11-2 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]:  
3 Sec. 2. (a) Except as provided in subsection (b), the rates or charges for  
4 a sewage works may be determined based on the following:

- 5 (1) A flat charge for each connection.
- 6 (2) The amount of water used on the premises.
- 7 (3) The number and size of water outlets on the premises.
- 8 (4) The amount, strength, or character of sewage discharged into  
9 the sewers.
- 10 (5) The size of sewer connections.
- 11 (6) Whether the property served has been or will be required to  
12 pay separately for the cost of any of the facilities of the works.
- 13 (7) A combination of these or other factors that the board  
14 determines is necessary to establish nondiscriminatory, just, and  
15 equitable rates or charges.

16 (b) This subsection applies only to a district in which a campground  
17 brought a legal action after January 1, 2000, and before April 1, 2003,

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1 against a board concerning sewage service billed at a flat rate. If a  
 2 campground is billed for sewage service at a flat rate under subsection  
 3 (a), the campground may instead elect to be billed for the sewage  
 4 service under this subsection by installing, at the campground's  
 5 expense, a meter to measure the actual amount of sewage discharged  
 6 by the campground into the sewers for one (1) year. **For a calendar**  
 7 **year beginning after December 31, 2004**, the highest **monthly** meter  
 8 reading ~~for a calendar week~~ for the campground during the year shall  
 9 be used to determine the resident equivalent units for the campground.  
 10 The basic monthly charge for the campground's sewage service must  
 11 be equal to the number of the campground's resident equivalent units  
 12 multiplied by the rate charged by the board for a resident unit. The  
 13 board may impose additional charges on a campground under this  
 14 subsection if the board incurs additional costs that are caused by any  
 15 unique factors that apply to providing sewage service for the  
 16 campground, including, but not limited to:

- 17 (1) the installation of:
  - 18 (A) oversized pipe; or
  - 19 (B) any other unique equipment;
- 20 necessary to provide sewage service for the campground; and
- 21 (2) excessive biochemical oxygen demand (BOD).

22 SECTION 2. IC 13-26-11-2.1 IS ADDED TO THE INDIANA  
 23 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 24 [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]: **Sec. 2.1. (a) As**  
 25 **used in this section, "commission" refers to the Indiana utility**  
 26 **regulatory commission created by IC 8-1-1-2.**

27 (b) This section applies to an owner or operator of a  
 28 campground described in section 2(b) of this chapter who disputes:

- 29 (1) the highest monthly meter reading used to determine the
- 30 resident equivalent units for the campground;
- 31 (2) the number of resident equivalent units determined for the
- 32 campground;
- 33 (3) the basic monthly charge for the campground's sewage
- 34 service; or
- 35 (4) any additional charges imposed on the campground;

36 as determined under section 2(b) of this chapter for a calendar  
 37 year beginning after December 31, 2004.

38 (c) If an owner or operator:

- 39 (1) makes a good faith attempt to resolve a disputed matter
- 40 described in subsection (b)(1) through (b)(4) through:
- 41 (A) any grievance or complaint procedure prescribed by
- 42 the board; or

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(B) other negotiations with the board; and  
 (2) is dissatisfied with the board's proposed disposition of the matter;

the owner or operator may file with the commission a written request to review the disputed matter and the board's proposed disposition of the matter. The owner or operator shall file a request under this section with the commission and the board not later than seven (7) days after receiving notice of the board's proposed disposition of the matter.

(d) Not later than twenty-one (21) days after receiving a request under this section, the commission shall provide an informal review of the disputed matter. The commission's review must include a prompt and thorough investigation of the dispute. Upon request by either party, or on the commission's own motion, the commission shall require the parties to attend a conference on the matter at a time and place determined by the commission.

(e) In any case in which the basic monthly charge for a campground's sewage service is in dispute, the owner or operator shall pay, on any disputed bill issued while a review under this section is pending, the basic monthly charge billed during the year immediately preceding the year in which the first disputed bill is issued. If the basic monthly charge paid while the review is pending exceeds any monthly charge determined by the commission in a decision issued under subsection (f), the board shall refund or credit the excess amount paid to the owner or operator. If the basic monthly charge paid while the review is pending is less than any monthly charge determined by the commission in a decision issued under subsection (f), the owner or operator shall pay the board the difference owed.

(f) After conducting the review required under subsection (d), and not later than thirty (30) days after receiving the owner's or operator's request for a review under this section, the commission shall issue a written decision resolving the disputed matter. The commission shall send a copy of the decision to:

- (1) the owner or operator of the campground; and
- (2) the board;

by United States mail. Subject to the right of either party to an appeal under IC 8-1-3, the decision of the commission is final.

(g) The commission shall maintain a record of all requests for a review made under this section. The record must include:

- (1) a copy of the commission's decision under subsection (f) for each dispute filed; and

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1           (2) any other documents filed with the commission under this  
2           section.  
3       The record must be made available for public inspection and  
4       copying in the office of the commission during regular business  
5       hours under IC 5-14-3.  
6       (h) The right of a campground owner or operator to request a  
7       review under this section is in addition to the right of the  
8       campground owner or operator to file a petition under section 15  
9       of this chapter as a freeholder of the district.  
10      (i) The commission may adopt rules under IC 4-22-2 to  
11      implement this section.  
12      SECTION 3. An emergency is declared for this act.

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